20. Damage to estates by elephants.

Mr. J. R. Vincent (Member, Mundakayam Planters' Association) spoke about the risk to human life and damage to cultivation, resulting from the incursions of wild elephants on estates, in the vicinity of the State forests. At the outset, when the jungles were cleared and the country was opened up, the danger from elephants was not very great. But elephants had since largely increased in numbers and had been for many years past carrying on their depredations practically unchecked. During the current Malabar year, cocoanut trees on one of the estates to the value of Rs. 6,000 were destroyed by these animals, while on another estate, 324 rubber trees were uprooted and a set of cooly lines was demolished, resulting in a loss of Rs. 3,000 to the estate owner. The Member also referred to estates which were subject to annual visitation of elephants. The annual damage to one of such estates was calculated at Rs. 6,000, while on another such estate it was said that 20 to 50 acres of the cultivated area were being damaged every year. The elephants were protected by law and the estate owners had no remedy, as no compensation was given by Government. Should the estate owner, in defending himself or his property, unfortunately kill one of these animals, he was either asked to pay a fine to the Forest department or was prosecuted. The only possible manner in which estate owners could protect themselves and their property was by digging elephant trenches around the estates. But this was not practicable. For in the first place, the cost would be enormous. Secondly, the configuration of the ground on the boundaries of estates might not admit of trenches being cut, especially when such boundaries happened to go over slab rocks, etc. With a view to remove the existing drawbacks and minimise the damage from elephants, the Member suggested that the Forest Regulation be amended so that the inherent right of every individual to protect his life and property might be recognised and the estate owners might be permitted to shoot at and kill, if necessary, any wild elephant found on and doing damage to property. He also made the following suggestions:—

(1) that in addition to the present method of catching elephants in pits, the *keddah* system be adopted, as a means of keeping down the number of elephants and at the same time of increasing the revenue; and

(2) that the Forest department might be asked to co-operate with the estate owners in a greater measure than now by consenting to proscribe well-known rogue elephants and by offering trophies and monetary rewards for shooting them.

Mr. J. R. Candlay (Member, Central Travancore Planters' Association) in speaking on the same subject, said that elephants were so bad in the Vandiperiyar that it was not safe for any one to go out for a walk without a gun. No less than three herds of elephants had been roaming about in the vicinity and one of them in particular had grown to be a rogue of a very dangerous type, *viz.*, the animal frequenting about the Pasumalai-Thengukal road. The law exempted persons killing or wounding elephants in defence of person or property from the usual penalties, but the limitation of the right of private defence to the effect that, in the exercise of it, no more harm should be caused than was necessary for the purpose of the defence left it open to the Forest department to prosecute. The Member therefore suggested that elephant pits should be dug at Government expense and that all elephants reported to be rogues and elephants doing damage should be proscribed and licenses issued for their destruction.

Dewan's reply.—Government are sorry to hear that damage from wild elephants is causing you anxiety and annoyance, but such damage is a common feature on high elevations on the West Coast. I believe that the same nuisance prevails in Cochin, Malabar, South Canara and Coorg. I think you will be interested to hear that the Forest department of the State has been steadily, though slowly, increasing its elephant capturing operations. In 1094, the number of elephants captured was 20, but in 1095 the number was 25. The Conservator is now adding to the number of decoy elephants, so that this year Government may be in a position to employ 15 elephants for decoying purposes, instead of 11. It seems to be an

LIBRARY ARCHIVES Kerala Legislative Assembly

unfortunate experience of yours in Vandiperiyar and Peermade that wild elephants should have increased very much in number. For, I understood that, as a general proposition, elephants have been on the decline. Mr. Cox, the Chief Conservator of Madras who had been deputed on special duty in regard to elephants, has reported, I understand, that there has been a great decline in the number of elephants. That is what my Conservator tells me. I understand that Mr. Cox also said that so far as Travancore is concerned, *keddah* operation was unsuitable. In Mysore, *keddah* operations have been successful, because elephants are more or less limited to a particular area. In Travancore and in some other parts of South India they are distributed widely and it is difficult to drive them into *keddahs*. There is only the pit system here. But the Government will look into the question of the desirability of substituting or supplementing the present operation by *keddah* operation also. You will also find that as against 75 pits that were dug up in 1094, 100 pits have been dug this year and the operation will be extended in the years to come.

Mr. Vincent referred to specific instances of damage, which of course is serious. I do not understand why the provisions of Section 46 of the Forest Regulation should not be availed of to their fullest extent. That Section gives the person, whose property or person is in danger by wild elephants, the right of self-defence. No doubt, there is a proviso, as Mr. Cantlay pointed out, to the effect that the right in no case extends to do more harm than is necessary. That is a question of fact. It will be difficult to frame a general rule in regard to a fact. It will depend upon the circumstances of each case. I dare say that in a matter like this a very liberal interpretation will be put upon. If an elephant is so harmful, if a rogue is determined to put down crops and buildings and trees and will not desist from doing that by being first frightened or being hurt, I do not see why your right of self-defence will not extend to killing that elephant.

In regard to co-operation of the Forest department, I quite agree with you that the Forest department should co-operate with you as much as possible. I am sure that the present Conservator will co-operate with you by taking the necessary measures in the matter of destruction of elephants. I think that the proscription of rogue elephants is a move in the right direction. I shall be glad to instruct my Conservator to attend promptly to complaints from you in regard to rogue elephants and investigate them without delay, proscribe them individually stating that they may be destroyed and that rewards will be offered for their destruction. I do not think that Government should be asked to dig trenches or take such protective measures in regard to private estates against the inroads of elephants. Government will be very pleased to co-operate with planters and to do all that can be reasonably done by way of minimising the evil and harm caused by wild elephants.

21. Desirability of modifying the order prohibiting the registry of Cardamom lands in the Cardamom Hills and rendering help to poor Cardamom cultivators by advancing loans on low interest.

Sahib Bahadur S. P. Sultan Ahamed Badrudin Rowther (Member, Devicolam Taluk) said that the policy of the Government in the past had been to encourage cultivation of cardamom by the grant of concessions. Encouraged by that policy, many had invested all their property in cardamom lands. Entry on cardamom lands before final registry was not prohibited by the rules, but in cases of unauthorised occupation the occupant had to pay the full assessment of Rs. 2 per acre from the year of entry. Thousands of acres of land not formally registered were now under cardamom cultivation. He urged the following facts for consideration, and presented, on behalf of the cardamom ryots, a memorial on the subject :—

(*a*) The demand for lands for cardamom cultivation is not on the decrease, even though the cardamom plants have been subject to attacks from an insect pest.

(*b*) Cardamom is grown only in shade and the timber trees on the land are not affected by such cultivation. The trees on such lands yield only soft wood and there are, besides, difficulties in the transport of any useful timber that may be there

LIBRARY ARCHIVES Kerala Legislative Assembly